

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:17-cr-00009-MR-DLH-1**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JERALD DEANGELO GREEN,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's Motion to Suppress [Doc. 9]; the Magistrate Judge's Memorandum and Recommendation [Doc. 43] regarding the disposition of that motion; and the Defendant's Objections to the Recommendation of the Magistrate Judge [Doc. 44].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the Defendant's motion to suppress and to submit a recommendation for its disposition.

On December 1, 2017, the Magistrate Judge filed a Memorandum and Recommendation containing proposed findings of fact and conclusions of

law in support of a recommendation regarding the Defendant's motion. [Doc. 43]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Defendant timely filed Objections on December 15, 2017. [Doc. 44]. The Government filed its Response to Defendant's Objections. [Doc. 46]. The Government does not object to the Magistrate Judge's Memorandum and Recommendation, however, it does object to the assertions and innuendos contained in the Defendant's Objections. [Id.]<sup>1</sup>

After careful consideration of the Memorandum and Recommendation and the Defendant's Objections thereto, the Court finds that the Magistrate Judge's proposed findings of fact are correct and that the proposed

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<sup>1</sup> In Defendant's Objections, he argues his arrest was the result of racial prejudice and discrimination. [See Doc. 44]. With regard to assessing the truth and credibility of Detective Hendricks' testimony, Defendant's counsel goes so far as to state:

Counsel for [Defendant] urges the [C]ourt, *supra*, to find that the transaction described by [Detective] Hendricks did not occur but, if the [C]ourt finds that it did, it cannot do so without condoning this blatantly racist policing.

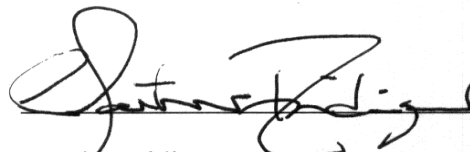
[Id. at 3, fn. 2]. The statement is not well-taken. The proposition, that the Court must either sustain Defendant's objections or condone racism, is a false dilemma that adds no value to counsel's advocacy or to the Court's consideration of the issues. Defendant's counsel is cautioned against making unnecessary statements that cast aspersions on the Court's integrity.

conclusions of law are consistent with current case law. Accordingly, the Court hereby overrules the Defendant's objections and accepts the Magistrate Judge's recommendation that the Defendant's motion to suppress be denied.

**IT IS, THEREFORE, ORDERED** that the Defendant's Objections to the Recommendation of the Magistrate Judge [Doc. 44] are **OVERRULED**; the Magistrate Judge's Memorandum and Recommendation [Doc. 43] is **ACCEPTED**; and the Defendant's Motion to Suppress [Doc. 9] is **DENIED**.

**IT IS SO ORDERED.**

Signed: December 29, 2017

  
Martin Reidinger  
United States District Judge

